

HOUSE BILL 638

L5

0lr0736

By: **Prince George's County Delegation and Montgomery County Delegation**

Introduced and read first time: February 3, 2010

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 3, 2010

CHAPTER _____

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission – Procurement and Minority**
3 **Business Enterprises – WSSC Procurement Oversight Committee**

4 **PG/MC 109–10**

5 FOR the purpose of establishing a WSSC Procurement Oversight Committee;
6 providing for the membership, ~~terms~~, and duties of the Committee; requiring
7 the Washington Suburban Sanitary Commission to submit, on or before a
8 certain date, a written report to the Committee demonstrating compliance with
9 a certain minority business enterprise law; ~~stating the findings of the General~~
10 ~~Assembly~~; requiring the Committee to submit a certain report to the General
11 Assembly under certain circumstances; requiring the Committee to report to
12 certain delegations to the General Assembly on or before a certain date;
13 providing for the termination of this Act; and generally relating to the
14 procurement activities and minority business enterprise participation of the
15 Washington Suburban Sanitary Commission and the WSSC Procurement
16 Oversight Committee.

17 BY adding to

18 ~~Article 29 – Washington Suburban Sanitary District~~

19 ~~Section 3–111~~

20 ~~Annotated Code of Maryland~~

21 ~~(2003 Replacement Volume and 2009 Supplement)~~

22 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Public Utility Companies
 2 Section 20–207.1
 3 Annotated Code of Maryland
 4 (2008 Replacement Volume and 2009 Supplement)
 5 (As enacted by Chapter _____ (S.B. 96) of the Acts of the General Assembly of
 6 2010)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 8 MARYLAND, That the Laws of Maryland read as follows:

9 ~~Article 29 – Washington Suburban Sanitary District~~

10 ~~§ 111.~~

11 Article – Public Utility Companies

12 20–207.1.

13 (A) ~~THE GENERAL ASSEMBLY FINDS THAT THE COMMISSION IS NOT IN~~
 14 ~~COMPLIANCE WITH THE MINORITY BUSINESS ENTERPRISE REQUIREMENTS OF §~~
 15 ~~3–109 OF THIS SUBTITLE.~~

16 ~~(B)~~ (1) THERE IS A WSSC PROCUREMENT OVERSIGHT COMMITTEE.

17 (2) (I) THE COMMITTEE CONSISTS OF THE FOLLOWING
 18 MEMBERS:

19 1. ~~ONE~~ ONE MEMBER APPOINTED BY THE
 20 ~~PRESIDENT OF THE SENATE~~ COUNTY COUNCIL OF MONTGOMERY COUNTY;

21 2. ~~ONE~~ ONE MEMBER APPOINTED BY THE ~~SPEAKER~~
 22 ~~OF THE HOUSE OF DELEGATES~~ COUNTY COUNCIL OF PRINCE GEORGE’S
 23 COUNTY;

24 3. ~~ONE~~ ONE MEMBER APPOINTED BY THE COUNTY
 25 EXECUTIVE OF MONTGOMERY COUNTY; AND

26 4. ~~ONE~~ ONE MEMBER APPOINTED BY THE COUNTY
 27 EXECUTIVE OF PRINCE GEORGE’S COUNTY.

28 (II) EACH MEMBER SHALL:

29 1. ~~BE~~ BE A RESIDENT OF THE SANITARY DISTRICT;
 30 AND

1 2. ~~HAVE~~ HAVE EXPERIENCE WITH PROCUREMENT
2 ACTIVITIES OR MINORITY BUSINESS ENTERPRISES.

3 (III) THE MEMBERS SHALL BE APPOINTED ON OR BEFORE
4 OCTOBER 1, 2010.

5 ~~(IV) THE MEMBERS SHALL SERVE FOR A TERM OF 4 YEARS~~
6 ~~AND MAY BE REAPPOINTED IF THE COMMITTEE ASSUMES AUTHORITY OVER~~
7 ~~PROCUREMENT ACTIVITIES OF THE COMMISSION UNDER SUBSECTION (C)(2) OF~~
8 ~~THIS SECTION.~~

9 ~~(E)~~ (B) (1) THE COMMITTEE SHALL REVIEW ANY PROCUREMENT
10 MADE BY THE COMMISSION FOR COMPLIANCE WITH ~~§ 3-109 OF~~ THIS SUBTITLE.

11 (2) ~~NOTWITHSTANDING ANY OTHER LAW, IF~~ IF THE COMMITTEE
12 DETERMINES THAT THE COMMISSION HAS NOT ACHIEVED COMPLIANCE WITH ~~§~~
13 ~~3-109 OF~~ THIS SUBTITLE AS DEMONSTRATED BY THE REPORT REQUIRED BY
14 SUBSECTION ~~(D)~~ (C) OF THIS SECTION, THE COMMITTEE SHALL ~~HAVE SOLE~~
15 ~~AUTHORITY OVER ANY PROCUREMENT ACTIVITIES OF THE COMMISSION~~
16 IMMEDIATELY REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH §
17 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE FINDINGS AND
18 RECOMMENDATIONS OF THE COMMITTEE REGARDING THE FAILURE OF THE
19 COMMISSION TO COMPLY WITH THIS SUBTITLE.

20 ~~(D)~~ (C) ON OR BEFORE DECEMBER 1, 2010, THE COMMISSION SHALL
21 SUBMIT A WRITTEN REPORT TO THE COMMITTEE DEMONSTRATING ITS
22 COMPLIANCE WITH ~~§ 3-109 OF~~ THIS SUBTITLE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1,
24 2012, the WSSC Procurement Oversight Committee shall report to the Montgomery
25 County and Prince George's County Senate and House delegations to the Maryland
26 General Assembly, in accordance with § 2-1246 of the State Government Article, on
27 the status of minority business enterprise participation in procurements for the
28 Washington Suburban Sanitary Commission.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 June 1, 2010. It shall remain effective for a period of 4 years and, at the end of May 31,
31 2014, with no further action required by the General Assembly, this Act shall be
32 abrogated and of no further force and effect.